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Application No. 09/989,754
Patent**I. Summary of Office Action**

Claims 1-37 are pending in the application.

The Examiner rejected claims 1, 3-5, 7-24, 26, and 28-33 under 35 U.S.C. § 103(a) as being unpatentable over Musgrove et al. U.S. Patent No. 6,535,880 (hereinafter, "Musgrove") in view of Andrews U.S. Patent No. 6,285,986 (hereinafter, "Andrews").

Claims 2, 6, 25, and 27 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Musgrove in view of Andrews in further view of Hillegass et al. U.S. Patent Application Publication No. US 2002/0007351 A1 (hereinafter, "Hillegass").

The Examiner rejected claims 34-37 under 35 U.S.C. § 103(a) as being unpatentable over Hillegass in view of Andrews.

II. Summary of Applicant's Reply

Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. § 103(a). Reconsideration of this application in light of the following is respectfully requested.

III. The Rejection of Independent Claims 1, 24, 34, and 36 Under 35 U.S.C. § 103(a)

Each of independent claims 1, 24, 34, and 36 was rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over some combination of Andrews, Hillegass, and Musgrove. The Examiner's rejections of these claims are respectfully traversed.

Applicant respectfully submits that, contrary to the Examiner's contention, each of independent claims 1, 24, 34, and 36 is allowable for at least the reasons set forth below.

A. Independent Claim 1 is Allowable over Musgrove and Andrews

The Examiner rejected independent claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Musgrove in view of Andrews. The Examiner's rejection is respectfully traversed.

Generally speaking, the invention defined by claim 1 relates to a method for tracking and storing network-based transactional data. In particular, independent claim 1 recites the following steps:

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- (a) identifying a plurality of users by respective user identifiers;
- (b) storing the user identifiers in a first database;
- (c) associating a transaction identifier with a transaction between at least two users having user identifiers; and
- (d) storing the transaction identifier, the user identifiers of the at least two users involved in the transaction, and transactional data relating to the transaction in a second database, wherein at least some of the transactional data stored in the second database is accessible by each of the at least two users involved in the transaction; and
- (e) updating the transactional data that is at least partially accessible by each of the at least two users involved in the transaction.

For example, a buyer and a seller may enter into a transaction relating to the purchase of a product. Prior to its completion, the transaction may pass through several stages, such as an offer stage, a counter-offer stage, an acceptance stage, a payment stage, a dispute stage, and a delivery stage. According to the invention as defined by claim 1, a database stores, *inter alia*, transactional data relating to the transaction. Moreover, at least some of this transactional data is accessible by both the buyer and the seller that involved in the transaction. Thus, the buyer and the seller are able to obtain uniform and unbiased information regarding the transaction. In addition, because a single database stores the transactional data, hardware and information processing costs may be reduced by eliminating redundancy in the storage of transactional data across each party's computer system.

Musgrove describes a shopping server 20 for assisting a user 12 with the purchase of one or more products from one or more merchant servers 40. Once a user 12 has logged into the shopping server 20 of Musgrove, the user 12 selects products for purchase from one or more merchants servers 40 using information stored in the shopping server's product database 26 (*see, e.g.,* column 7, lines 1-6 and 52-57 of Musgrove). Up until this point, communication is solely between the user 12 and the shopping server 20, and there has been no communication with any of the merchant servers 40 to determine, for example, whether the availability, pricing or other information in product database 26 is current. Once the user 12 is finished selecting products from the product database 26, shopping server 20 must individually communicate with each of the merchant servers 40 from which one or more products has been selected by the

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user 12 in order to verify that the information in the product database 26 is current (*see* column 7, lines 52-60 of Musgrove, explaining that, once the user is finished selecting items for purchase, the shopping server 20 must provide the user a confirmation page that includes “real-time pricing and shipping information obtained from merchant server 40 for each selected product in transaction record 54”). Finally, assuming that the user 12 confirms the purchase of the previously selected items based on the current information provided by the shopping server 26 (which may or may not match the previously provided information that was stored in the product database 26), the shopping server 20 executes a separate buy procedure on behalf of the user 12 for each merchant server 40 from which the user 12 has approved the purchase of one or more products.

However, as explained in applicant's February 1, 2005 Reply to Office Action, and as admitted by the Examiner on page 3 of the Office Action, Musgrove does not show or suggest either “storing ... transactional data relating to [a] transaction in a second database, wherein at least some of the transactional data stored in the second database is accessible by each of the at least two users involved in the transaction” or “updating the transactional data that is at least partially accessible by each of the at least two users involved in the transaction,” as recited in claim 1.

Moreover, contrary to the Examiner's contention on page 3 of the Office Action, applicant respectfully submits that, for at least the following reasons, Andrews also fails to show or suggest these two elements of applicant's claimed invention.

Andrews describes a method for combining products and services from one or more vendors together to be sold as a unit, or “bundle.” *See, e.g.*, column 5, lines 11-50. First, vendors post available products/services for inclusion in bundles to a bundle server. Next, a vendor that generates bundles (referred to as a “bundle vendor”) views the available products/services on the bundle server and selects particular ones of these available products/services to include within a bundle. For each generated bundle, a bundle profile is created that includes information about the bundle and the products/services included therein. Members are then able to access the bundle server to view, select, and purchase available bundles. Also available to members and vendors is a bundle tracking system that may be used to obtain general status information regarding currently existing bundles. As explained at

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column 12, lines 24-34 of Andrews, the status information associated with a bundle merely indicates whether the bundle has been created but is awaiting further action (a "passive" bundle), is in the process of being generated (an "active" bundle), is complete and ready to ship (a "created" bundle), is available for purchase (a "selling" bundle), or is sold out (a "closed" bundle). However, nowhere in this portion of Andrews, nor in any other, is it shown or suggested that "transactional data" relating to any particular transaction between two or more users be stored in a database and be made at least partially available to all users (parties) involved in the transaction as set forth in claim 1.

In rejecting claim 1, the Examiner, referring to column 12, lines 8-49 of Andrews, asserted that Andrews "teaches wherein at least some of the transactional data stored in the second database is accessible by each of the at least two users involved in the transaction." Applicant respectfully submits that Andrews does not provide such teaching. Simply put, indicating the status of a bundle to a user¹ as described in the cited portion of Andrews (*i.e.*, indicating whether a particular bundle has been created, is being generated, is complete and ready to ship, is available for purchase, or is sold out) is not the same as storing in a database "transactional data" that relates to an actual transaction that is taking place or has taken place between two or more users, and making at least some of this data available to each of the users involved in the transaction as recited in claim 1. This distinction is made even clearer in column 13, lines 53-57 of Andrews, which explains, without reference to any particular transaction, that the status of a bundle may be "closed" once all of the available units within a bundle have been sold. Thus, a user in Andrews that obtains a status report for a bundle is not receiving "transactional data" as recited in claim 1, but rather, is simply obtaining information relating to the general availability of that bundle.

Therefore, applicant respectfully submits that, Andrews, like Musgrove, fails to show or suggest a method for tracking and storing network-based transactional data that includes, among other things, "storing ... transactional data relating to [a] transaction in a second database,

¹ The Examiner has not indicated where in the cited portion of Andrews, which spans 42 lines, storing "transaction data" as claimed by applicant is believed to be disclosed. However, given a full reading of the cited portion of Andrews, applicant believes that the Examiner is relying on Andrews' disclosure of a "status report" that may be provided to a user regarding a selected bundle.

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wherein at least some of the transactional data stored in the second database is accessible by each of the at least two users involved in the transaction” as recited in claim 1 (emphasis added).

Given that neither Musgrove nor Andrews shows or suggests that “transactional data” be stored and made available to users involved in the associated transaction, applicant respectfully submits that these references also fail to show or suggest “updating the transactional data that is at least partially accessible by each of the at least two users involved in the transaction,” as recited in claim 1 (emphasis added). Moreover, the disclosure in Andrews at column 12, lines 35-49 that tracking information (which is part of the status report) for a bundle may be changed by a user does not provide support for the Examiner’s contention on page 3 of the Office Action that this element of applicant’s invention is described by Andrews. As with the status information described by Andrews and discussed above, nowhere in its entirety does Andrews show or suggest that the tracking information that may be changed relates to a particular transaction between users, as is the case with the “transactional data” that is updated in accordance with applicant’s claimed invention.

In light of the foregoing, applicant respectfully submits that claim 1 is patentably distinguishable over Musgrove and Andrews, is allowable, and such allowance is respectfully requested. Moreover, because independent claim 1 is allowable, claims 2-23 depending therefrom are also allowable. Therefore, applicant respectfully requests that the rejection of claims 1-23 under 35 U.S.C. § 103(a) be withdrawn by the Examiner and the claims pass to issuance.

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Patent**B. Independent Claim 24 is Allowable Over Musgrove and Andrews**

The Examiner rejected claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Musgrove and Andrews. The Examiner's rejection is respectfully traversed.

Generally speaking, the invention recited in claim 24 relates to a computer-aided transaction processing system for documenting transactions conducted in a network environment. In particular, independent claim 24 recites the following:

a first database for storing a respective user identifier and identity information for at least two users;

an information processing system for managing a transaction between the at least two users, wherein a transaction identifier is associated with the transaction; and

a second database for storing a database record, wherein the database record contains the transaction identifier, user identifiers of the at least two users involved in the transaction, and corresponding transactional data, and wherein at least some of the corresponding transactional data contained in the database record that is stored in the second database is accessible by each of the at least two users involved in the transaction.

Contrary to the Examiner's assertion on pages 8-9 of the Office Action, for at least the same reasons as set forth above in connection with claim 1, applicant respectfully submits that, alone or in combination, both Musgrove and Andrews fail to show or suggest the computer-aided transaction processing system defined by claim 24. For example, as explained above, neither of these references show or suggest storing "transactional data" that corresponds to a transaction, much less that such "transactional data ... [be] accessible by [all] users involved in the transaction," as recited in claim 24.

In light of the foregoing, applicant respectfully submits that claim 24 is patentably distinguishable over Musgrove and Andrews, is allowable, and such allowance is respectfully requested. Moreover, because independent claim 24 is allowable, claims 25-33 depending therefrom are also allowable. Therefore, applicant respectfully requests that the rejection of claims 24-33 under 35 U.S.C. § 103(a) be withdrawn by the Examiner and the claims pass to issuance.

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Patent**C. Independent Claim 34 is Allowable Over Hillegass and Andrews**

The Examiner rejected claim 34 under 35 U.S.C. § 103(a) as being unpatentable over Hillegass in view of Andrews. The Examiner's rejection is respectfully traversed.

Generally speaking, the invention defined by claim 34 relates to a computer-aided transaction processing system for documenting transactions conducted in a network environment. In particular, independent claim 34 recites the following:

means for storing a unique user identifier and identity information for at least two users in a first database;

means for managing transactional data associated with a transaction between the at least two users, wherein the transaction is identified by a unique transaction identifier;

means for storing the transaction identifier, user identifiers of the at least two users involved in the transaction, and corresponding transactional data in a second database; and

means for enabling each of the at least two users involved in the transaction to access at least some of the transactional data stored in the second database.

In rejecting claim 34, while admitting that Hillegass does not disclose this feature, the Examiner stated that Andrews "teaches ... means for enabling users involved in the transaction to access at least some of the transactional data" (Office Action, page 13). However, as explained above in connection with claim 1, Andrews does not show or suggest "storing ... transactional data relating to [a] transaction in a second database, wherein at least some of the transactional data stored in the second database is accessible by each of the at least two users involved in the transaction." Therefore, Andrews also fails to show or suggest "means for enabling each of the at least two users involved in the transaction to access at least some of the transactional data stored in the second database," as require by claim 34 (emphasis added).

In light of the foregoing, applicant respectfully submits that claim 34 is patentably distinguishable over Hillegass and Andrews, is allowable, and such allowance is respectfully requested. Moreover, because independent claim 34 is allowable, claim 35 depending therefrom is also allowable. Therefore, applicant respectfully requests that the rejection of claims 34-35 under 35 U.S.C. § 103(a) be withdrawn by the Examiner and the claims pass to issuance.

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Patent**D. Independent Claim 36 is Allowable Over Hillegass and Andrews**

The Examiner rejected claim 36 under 35 U.S.C. § 103(a) as being unpatentable over Hillegass in view of Andrews. The Examiner's rejection is respectfully traversed.

Generally speaking, the invention defined by claim 36 relates to a computer program product comprising computer readable program code for documenting transactions conducted in a network environment. In particular, independent claim 36 recites the following:

computer readable program code means for storing a unique user identifier and identity information for at least two users in a first database;

computer readable program code means for managing transactional data associated with a transaction between the at least two users, wherein the transaction is identified by a unique transaction identifier;

computer readable program code means for storing the transaction identifier, user identifiers of at least two users involved in the transaction, and corresponding transactional data in a second database; and

computer readable program code means for enabling each of the at least two users involved in the transaction to access at least some of the transactional data stored in the second database.

In rejecting claim 36, while admitting that Hillegass does not disclose this feature, the Examiner stated that Andrews "teaches computer readable program code means for enabling users involved in the transaction to access at least some of the transactional data" (Office Action, page 13). However, as explained above in connection with claim 1, Andrews does not show or suggest "storing ... transactional data relating to [a] transaction in a second database, wherein at least some of the transactional data stored in the second database is accessible by each of the at least two users involved in the transaction." Therefore, Andrews also fails to show or suggest "computer readable program code means for enabling each of the at least two users involved in the transaction to access at least some of the transactional data stored in the second database," as required by claim 34 (emphasis added).

In light of the foregoing, applicant respectfully submits that claim 36 is patentably distinguishable over Hillegass and Andrews, is allowable, and such allowance is respectfully requested. Moreover, because independent claim 36 is allowable, claim 37 depending therefrom is also allowable. Therefore, applicant respectfully requests that the rejection of claims 36-37 under 35 U.S.C. § 103(a) be withdrawn by the Examiner and the claims pass to issuance.

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Patent**IV. The Rejections of Dependent Claims 2-23, 25-33, 35, and 37 Under 35 U.S.C. § 103(a)**

The Examiner rejected dependent claims 2-23, 25-33, 35, and 37 under 35 U.S.C. § 103(a) as being unpatentable over some combination of Andrews, Hillegass, and Musgrove. Applicant respectfully traverses the Examiner's rejections.

Applicant respectfully submits that claims 2-23, 25-33, 35, and 37, each of which depends from one of independent claims 1, 24, 34, and 36, are allowable for at least the same reasons that the independent claims are patentable as set forth above. Therefore, applicant respectfully requests that the Examiner withdraw the rejections of claims 2-23, 25-33, 35, and 37.

V. Conclusion

Applicant respectfully submits that, as described above, the cited references do not show or suggest the combination of features recited in the claims. Applicant does not concede that the cited references show any of the elements recited in the claims. However, applicant has provided specific examples of elements in the claims that are clearly not present in the cited references.

Applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the cited references as limiting to those specific features in isolation. Rather, applicant asserts that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicant has emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, applicant does not concede that other features in the claims are found in the cited references. Rather, for the sake of simplicity, applicant is providing examples of why the claims described above are distinguishable over the cited references.

Further, applicant hereby retracts any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintains the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review

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of the prosecution history. That is, applicant specifically retracts statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

For all the reasons advanced above, applicant respectfully submits that the rejections have been overcome and should be withdrawn. Accordingly, applicant respectfully submits that the application, including each of claims 1-37, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,

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